

REMARKS

I. Status of the Claims

On filing the present continuation, claims 1-43 and 45-79 from the parent application were canceled without prejudice or disclaimer. Presently, claim 44 has been amended without prejudice or disclaimer and claims 80-122 have been added, which are fully supported by the specification.

Claim 44 and 80-122 are therefore in the case. According to 37 C.F.R. § 1.121(c), a copy of the pending claims is provided in the amendment section.

II. The Claims are Allowable

The present application is a continuation of application Serial No. 09/389,435 ("the '435 application"; Attorney Docket No. 4100.001000), which issued as U.S. Patent No. 6,703,050 ("the '050 patent").

This continuation is directed to further methods based upon original claim 44 in the '435 application (issued claim 55 in the '050 patent), but revised to reflect certain additional diseases characterized by aberrant vascularization, as recited in the specification. Claim 44 has thus been revised to recite certain additional diseases characterized by aberrant vascularization, and various dependent claims have been added to exemplify particular diseases from the specification.

As claim 44 from the parent, '435 application has issued (now claim 55 in the '050 patent), and the present continuation is directed to the treatment of additional diseases characterized by aberrant vascularization, the present claims are also in condition for allowance. Given that all requirements of patentability have been addressed in the parent application, and the presently claimed methods can be practiced without undue experimentation by those of ordinary skill in the art in light of the present disclosure, Applicants respectfully request that the present claims be directly progressed to allowance.

Should a Terminal Disclaimer be deemed necessary to secure allowance of the present application, a telephone call to the Applicants' undersigned representative is solicited in order that the Disclaimer can be supplied without delay.

III. Additional Support for the Claims

Support for the amended and new claims exists in the original application, including the claims as filed, many of the claims that issued and in the section of the specification entitled "Other Diseases Characterized by Aberrant Angiogenesis" (Section VI of the specification), at pages 56-60. In addition, particular written description support for the present claims exists in the specification as follows.

Independent claim 44 is supported by claim 44 in the '435 application, which issued as claim 55 in the '050 patent, and has been revised to specify that the disease characterized by aberrant vascularization is a disease associated with ocular, corneal or retinal/choroidal neovascularization, neovascular glaucoma, diabetes, delayed wound healing, burns, Osler-Weber Syndrome, psoriasis, parasitic diseases or atherosclerosis. Each of these diseases are included within the section of the specification entitled "Other Diseases Characterized by Aberrant Angiogenesis" (specification at pages 56-60).

Dependent claims 80-90 recite the use of thiomolybdate compounds, including tetrathiomolybdate. These claims are supported throughout the application as filed, *e.g.*, at least by original claims 7-17 in the '435 application and their issued counterparts.

Claims 91, 92 and 93 are directed to oral administration, combined administration of a zinc compound and treatment of a human subject, respectively. Support for these claims exists throughout the application as filed, *e.g.*, at least by original claims 28, 32, 4 in the '435 application, allowed claim 95 in the '435 application, and their issued counterparts.

Dependent claims 94-97 recite exemplary reduced copper levels resulting from the treatment, optionally in combination with zinc maintenance treatment. These claims are supported throughout the application as filed, *e.g.*, at least by original claims 33, 34 and 37 in the '435 application, allowed claims 5, 6, 33, 34, 37, 81, 82 and 84 in the '435 application, and their issued counterparts.

Claim 98 specifies that the level of copper is indicated by the level of serum ceruloplasmin. This has support throughout the application as filed, *e.g.*, at least by allowed claim 80 in the '435 application and the issued counterpart, and by the specification, including the working examples and figures, and has particular written description support at least at page 33, lines 2-3.

Dependent claims 99-101 concern exemplary therapeutically effective amounts. These claims are supported throughout the application as filed, *e.g.*, at least by original claims 18-20 in the '435 application and their issued counterparts.

Claims 102-115 separately recite certain diseases characterized by aberrant vascularization from claim 44, each of which are supported throughout the application as filed, particularly by the section of the specification entitled "Other Diseases Characterized by Aberrant Angiogenesis" (specification at pages 56-60).

Independent claim 116 is also supported by claim 44 in the '435 application, revised to recite the use of dodecathiodimolybdate, tetrathiomolybdate, iron octathiodimolybdate, trithiomolybdate, dithiomolybdate or monothiomolybdate, which is further supported by claim 35 in the '435 application, which issued as claim 36 in the '050 patent. The use of these thiomolybdates is supported throughout the application as filed, *e.g.*, at least by original claims 14, 51, 59 and 74 in the '435 application and their issued method claim counterparts.

Dependent claims 117, 118 and 119 separately recite exemplary thiomolybdates, diseases and an animal within the scope of claim 116, and are supported throughout the application as filed as set forth above.

Independent claim 120 is supported by claim 44 in the '435 application, revised to recite the use of tetrathiomolybdate, which is further supported by claim 36 in the '435 application, which issued as claim 37 in the '050 patent. The use of tetrathiomolybdate is supported throughout the application as filed, *e.g.*, at least by original claims 3, 15, 40, 43, 52, 60 and 75 in the '435 application and their issued method claim counterparts.

Finally, claims 121 and 122 separately recite exemplary diseases and the treatment of humans, and are supported throughout the application as filed as set forth above.

It will therefore be understood that no new matter is included within any of the pending claims.

IV. Conclusions

In conclusion, Applicants submit that, in light of the foregoing remarks and the '050 patent, the present claims are in condition for allowance and an early indication to this effect is respectfully requested. Should Examiner Maier have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,
Williams, Morgan & Amerson, P.C.
Customer No. 23720



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicants

10333 Richmond, Suite 1100
Houston, Texas, 77042
(713) 934-4079

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